

IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF ALABAMA  
NORTHERN DIVISION

PAUL POGUE and	)	
PAUL POGUE, in his capacity as owner of	)	
SURVEYORS' PARK,	)	
	)	
Plaintiffs,	)	
	)	CIVIL ACTION NUMBER
v.	)	
	)	2:-06-cv-148-MHT
TONY CHANDLER, et al.,	)	
	)	
Defendants.	)	

NOTICE CONCERNING

SETTLEMENT CONFERENCE AND MEDIATION

Come now counsel for Defendants Chandler and Clark, pursuant to the Court's Scheduling Order of July 6, 2006, and provide notice to the Court as follows:

1. Counsel for the Defendants wrote a letter to the Plaintiff on October 6, 2006 (copy attached) proposing dates and times for a settlement conference, and inviting the Plaintiff to suggest other times he would be available for such a conference if the times proposed by the Defendants were not acceptable.
2. The Plaintiff has not responded to the above-referenced letter.

3. On October 10, 2006, the undersigned counsel for the Defendants went to the address which the Plaintiff has given as the address to which all communications to him should be directed (and has also stated is his place of residence). Said counsel went to this address in an attempt to contact the Plaintiff in person to arrange a time for a settlement conference. Counsel for the Defendants was unable to contact the Plaintiff at that address.

4. Despite the efforts of the Defendants to schedule the settlement conference as directed in the Court's Scheduling Order, the conference has not taken place.

5. All counsel for the Defendants agree that there is no reason to believe that a settlement can be reached in this case. Counsel for the Defendants also agree that mediation is not likely to be helpful in resolving this case.

Respectfully submitted,

TROY KING  
ATTORNEY GENERAL  
BY:

s/Charles T. Conway  
Assistant Attorney General  
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CERTIFICATE OF SERVICE

This is to certify that on the 13th day of October, 2006, a copy of the foregoing has been electronically filed with the Clerk of the Court using the CM/ECF system, and that a copy of the same has been sent by First Class Mail to the plaintiff:

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